

Application No. 09/427260
Page 5

Amendment
Attorney Docket No. S63.2H-13525-US01

Remarks

This Amendment is in response to the Office Action dated March 26, 2007. In the Office Action, claims 29-30, 55-57, and 59-62 were rejected under 35 USC 103(a) as being unpatentable over Gray et al. (5895406) in view of Khosravi et al. (5824054).

The following comments are presented in the same order, with section headings, as the Office Action.

35 USC 103

In the Office Action, claims 29-30, 55-57, and 59-62 were rejected under 35 USC 103(a) as being unpatentable over Gray et al. (5895406) in view of Khosravi et al. (5824054).

Applicant notes that claim 61 was cancelled in the amendment filed in response to the Office action of September 26, 2005. Applicant has amended independent claims 29, 55, and 59. Support for the amendments can be found at least in Fig. 9 of the instant application as filed. No new matter has been added. Applicant has cancelled claim 57.

Independent claim 29 as amended recites:

the plurality of stretchable elements defining a plurality of first cells, the plurality of first cells forming a plurality of circumferential bands of first cells ... a plurality of second cells, each of the plurality of second cells extending between adjacent circumferential bands of first cells, each of the plurality of second cells having a configuration different than the configuration of each of the plurality of first cells.

Similarly, independent claim 59 as amended recites:

the plurality of stretchable elements defining a plurality of first cells, each of the plurality of first cells having a first configuration ... a plurality of second cells, each of the plurality of second cells having a second configuration, the second configuration different than the first configuration

Below, Applicant has provided an annotated portion of Fig. 9 of the instant application illustrating the first and second cells.

Application No. 09/427260
Page 6

Amendment
Attorney Docket No. S63.2H-13525-US01

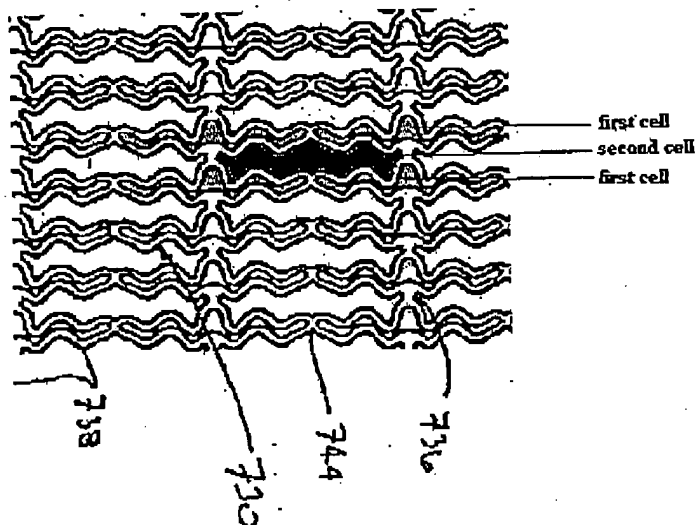


Fig. 9

In annotated Fig. 9, above, four of the first cells are shaded and one of the second cells is shaded, the second cell is shaded darker than the first cells. As shown in annotated Fig. 9, the second cells extend between adjacent circumferential bands of first cells and the configurations of the first and second cells are different, as recited in amended independent claims 29, 55 and 59.

In contrast Fig. 6 of Gray, of which an annotated portion is provided below, consists of staggered rows of cells with each cell having the same configuration, shown by cell A and cell B, where longitudinally adjacent cells are engaged at the looped ends.

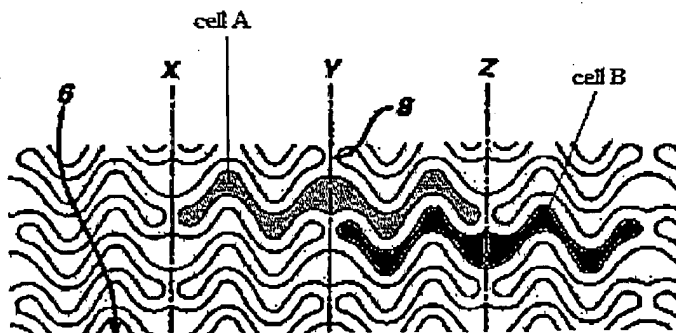


Fig. 6 of Gray

Application No. 09/427260
Page 7

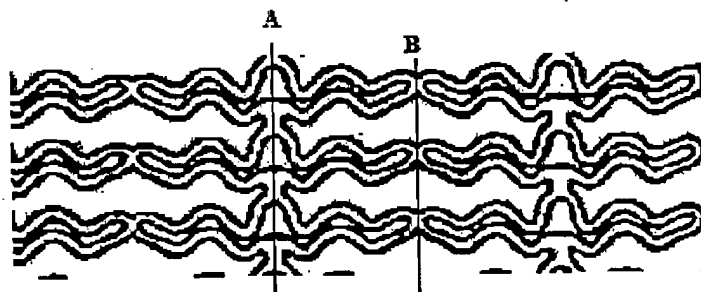
Amendment
Attorney Docket No. S63.2H-13525-US01

As shown in Fig. 6 of Gray above, the configurations of cell A and cell B are the same, the only difference being the orientation. The addition of the coiled stent of Khosravi does not address the failure of Gray to teach or suggest all the elements of independent claims 29 and 59.

Independent claim 55 as amended recites:

"a plurality of stretchable first cells ... forming a plurality of circumferential bands, each circumferential band of first cells having a circumferential axis bisecting each first cell in the circumferential band in half ... the circumferential axis of each circumferential band of first cells bisecting the peripheral connector elements ... a plurality of second cells ... forming a plurality of circumferential bands, each circumferential band of second cells having a circumferential axis bisecting each second cell in the circumferential band in half, the circumferential axis of the second cells bisecting the engaged looped ends of longitudinally adjacent stretchable cells."

Applicant has provided an annotated portion of Fig. 9 of the instant application, below, showing the circumferential axis of a circumferential band of first cells bisecting the peripheral connector elements, Axis A, and the circumferential axis of a circumferential band of second cells bisecting the looped ends of longitudinally adjacent stretchable cells, Axis B.



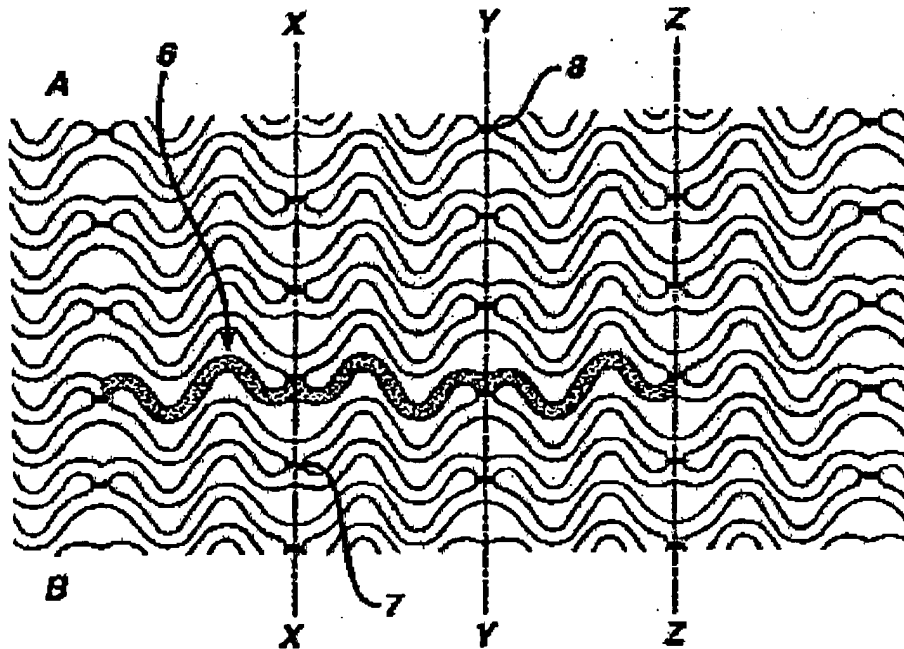
Portion of Fig. 9 of the Instant Application

In the annotated Fig. 6 of Gray provided below, the engaged looped ends of the staggered cells are shaded, thereby illustrating that there are no peripheral connectors joining each of the stretchable cells. Therefore, axes X, Y and Z each bisect the engaged looped ends. Because there are no peripheral connectors, no axes bisect the peripheral connectors, contrary to independent claim 55. The addition of the coiled stent of Khosravi does not address the failure

Application No. 09/427260
Page 8

Amendment
Attorney Docket No. S63.2H-13525-US01

of Gray to teach or suggest all the elements of independent claim 55.



For at least these reasons, Gray does not anticipate independent claims 29, 55 and 59 or claims 30, 56-57, 60 and 62, dependent therefrom. Applicant requests withdrawal of the rejection and asserts that claims 29-30, 55-56, 59-60 and 62 are in condition for allowance.

Application No. 09/427260
Page 9

Amendment
Attorney Docket No. S63.2H-13525-US01

Conclusion

Based on at least the above, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 29-30, 55-56, 59-60 and 62 is requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 26, 2007

By: Jennifer L. Buss
Jennifer L. Buss
Registration No.: 57321

6640 Shady Oak Road, Suite 400
Eden Prairie, MN 55344
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\jlb\13525us01_amd_20070413.doc